

REMARKS

The above-captioned application has been carefully reviewed in light of the non-final Office Action to which this Amendment is responsive. Claims 21 and 36 have been amended in an effort to further clarify and distinctly point out that which is regarded as the present invention. To that end, it is believed no new matter has been added.

Claims 21-41 are pending. All pending claims have been rejected in light of certain prior art. More particularly, Claims 21-25 and 27-41 have been rejected under 35 U.S.C. §103(a) based on Geier et al. (U.S. Patent No. 5,630,530) and Strassmann (U.S. Patent No. 6,127,009) and Claim 26 has been rejected under 35 U.S.C. §103(a) based on the combination of Geier et al., Strassmann and Diamond et al. (U.S. Patent No. 4,735,349). The Examiner has also objected to the drawings under 37 C.F.R. §1.84(p)(4) and to the disclosure. Applicant respectfully requests reconsideration based upon the amended claims and the following discussion.

Prior to discussing the prior art rejections, Applicant would like to briefly discuss the novel contributions made by the present invention. That is a discharge valve assembly is provided for the discharge of pressurized fluid the valve assembly including a sack (11) made from a flexible film material, a receptacle body which is preferably welded in a border area of the sack, a valve stem made from a synthetic material essentially impermeable to organic media, the valve stem having a tubular section. The assembly further includes either a tubular appendage or a corresponding a receptacle to enable a clamped connection with the valve stem as well as a gasket that is arranged between the receptacle body and valve stem which at least partially covers the receptacle body. The receptacle body is made from a material that is permeable to organic media while the valve stem and gasket are each made from materials that are impermeable to organic media.

As to the prior art, Geier et al. uses a sleeve 36 which is bonded or sealed in a leakproof manner to a bag 24 (see col. 5, lines 19, 20). Into the sleeve, a cylindrical cup 38 is pushed and held in position by means of a circumferential rim 37 (see col. 5, lines 10-16). The seal ring 32 is provided on the cup 38.

The above-noted approach is in sharp contrast to the present invention. As noted above, the present invention the receptacle body is made from a material that is weldable with a film

material of the sack. Therefore, the receptacle body itself is permeable to organic media. The problem of permeability of organic media is also discussed in Geier et al. at col. 1, lines 31-42. To overcome this problem, Geier et al. suggests that the delivery nozzle (corresponding to the cup 38) be made from a material that is not permeable for organic media (see Geier et al. at col. 2, lines 26-42). In order to position the delivery nozzle in the bag, Geier et al. uses a sleeve 36, which is weldable to the material of the bag 24 and which holds the delivery nozzle 38 in the bag. According to the present invention, however, the inventor realized that it is possible to use a receptacle body made from a material that is permeable for organic media and weldable to the bag. The inventor further realized that it is sufficient to provide a valve stem as well as a gasket on the permeable receptacle body in order to prevent or reduce the diffusion of organic media through the receptacle body.

Therefore, Geier et al. fails to describe or suggest the use of a receptacle body that is permeable for organic media. Geier et al requires the use of a separate sleeve 36 provided entirely within the bag. Disadvantageously, this latter solution significantly complicates manufacturing in that it is necessary to weld the sleeve completely in the bag and position the delivery nozzle on the sleeve. Thereafter, the bag must be sealed along the edges 46.

The secondary citation of Strassmann fails to provide the necessary features missing from the present invention. According to Strassmann, a stiff hard part 20 is provided with outer layer 10, which is weldable to the inner layer of a flexible bag. The stiff part 20 is made from a polycarbonate (see col. 5, lines 55-60), which is weldable to an inner layer having a polyethylene copolymer component with a high ethylvinylacetate content. However, the stiff part 20 is not weldable to the bag. As described by Strassmann, the outer layer is made from polyolefin which is weldable to the inner layer material 30, which is also a polyolefin. Such a polyolefin is permeable for organic media.

In direct contrast to this secondary reference, the present invention teaches away from providing an outer layer 10 of polyolefin material by describing a receptacle body made entirely of a material that is permeable to organic media and to seal this receptacle body with a gasket.

Therefore, neither reference taken either alone or in combination provides essential features of the present invention. Claim 21 has been amended to specifically recite that the receptacle body and sack are each made from a material permeable to organic media. Support is found in the present application at paragraph [0006], lines 19-24, and paragraph [0012].

Additionally, this claim has further been amended to specify that diffusion of organic media is prevented by the gasket and valve stem, each of the foregoing being made from materials that are not permeable to organic media.

The further citation of Diamond et al. fails to provide the teachings of amended Claim 21. Applicant acknowledges that Diamond teaches a pressurized container having a gasketing feature to create a sealing function. However, none of the cited references taken alone or in their combination provide a discharge valve having the structure and construct according to amended Claim 21 as described herein and now clarified. It is believed Claim 21 cannot be rendered obvious by the cited prior art and therefore Claims 22-35 are also believed to be allowable for the same reasons since they are dependent thereupon. Claim 36 has been similarly amended to clarify the materials utilized as to the permeability of organic media with regard to the sack, valve stem and gasket, respectively. Support is found in the foregoing paragraphs [0006] [0012]. Therefore, it is believed no new matter has been added. It is believed Claims 36-41 are also patentably distinct over the cited art. Reconsideration is respectfully requested.

As to the specification and drawing objections, the reference numerals "9" and "10" each relate to the appendage of the receptacle. Referring to Fig. 1 and paragraph [0020], reference numeral "9" refers to the appendage itself while reference numeral "10" refers to the truncated shaped end of the appendage. See paragraph [0020], lines 6,7. As a result, each reference numeral properly refers to a separate component and proper conformance between the specification and drawings is therefore provided. It is not believed any further correction is necessary and therefore withdrawal of these objections is respectfully requested.

In summary and in view of the above amendment, Applicant believes the above-captioned application is now in a condition for allowance and an expedited Notice of Allowability is earnestly solicited.

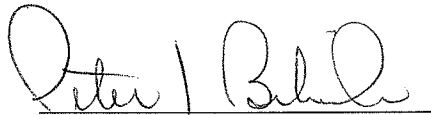
If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicant's representative at the telephone number listed below.

It is believed no fee is required for the filing of this response. However, in the event that any additional fees are required, the Director is hereby authorized to charge Deposit Account No. 50-3010 for any additional fees and to charge any overpayments thereto.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

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A handwritten signature in dark ink, appearing to read "Peter J. Bilinski", written over a horizontal line.

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